United Nations A/C.6/58/L.21

General Assembly

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Fifty-eighth session
Sixth Committee
Agenda item 155
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Programme budget implications of draft resolution A/C.6/58/L.18

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Request contained in the draft resolution

1. By operative paragraphs 2, 7 and 8 of draft resolution A/C.6/58/L.18, the General Assembly would:

(a) Decide that the Special Committee shall hold its next session from 29 March to 8 April 2004;

(b) Commend the Secretary-General for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorse the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;

(c) Encourage the Secretary-General in his continuous efforts to eliminate the backlog in the *Repertory of Practice of United Nations Organs* and in the *Repertoire of the Practice of the Security Council*, including by exploring options involving cooperation with academic institutions as a means to achieve this aim without prejudice to the continuation of their timely publications;

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B. Relationship of the request to the programme of work

2. The request contained in operative paragraph 2 of the draft resolution is related to (a) subprogramme 3, Progressive development and codification of international law, of Programme 5 of the medium-term plan for the period 2002-2005,[1] and (b) section 8, Legal affairs, and section 2, General Assembly affairs and conference services, of the programme budget for the biennium 2004-2005.[2]

3. The provisions of draft resolution A/C.6/58/L.18 set out in operative paragraphs 7 and 8 refer also to section 2, General Assembly affairs and conference services, and section 8, Legal affairs, of the programme budget for the biennium 2004-2005 as well as section 3, Political affairs; section 4, Disarmament; section 5, Peacekeeping operations; section 9, Economic and social affairs; section 24, Human rights; section 29B, Office of Programme Planning, Budget and Accounts, and section 29C, Office of Human Resources Management, of the programme budget for the biennium 2004-2005. No provision was included in the proposed budgets of the above-listed sections for the coordination or preparation of the *Repertory*. Accordingly, there is no current relationship between the request and the programme of work.

C. Activities by which the request would be implemented

4. Should the General Assembly adopt draft resolution A/C.6/58/L.18, the activities required for the implementation of the request under paragraph 2 would be as follows: the Special Committee would hold its session at Headquarters from 29 March to 8 April 2004. The Secretary-General would accordingly provide the Special Committee with the necessary facilities and servicing for the performance of its work.

5. As regards the activities related to the *Repertory of Practice of United Nations Organs* referred to in paragraphs 7 and 8 of draft resolution A/C.6/58/L.18, the Secretary-General in his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1), in accordance with the goal of ensuring that the Organization devotes its attention to the priorities set by Member States and in view of limited resources, indicated in action 10 (d) that the *Repertory* should no longer be produced by the United Nations. Accordingly no provision was included for this purpose in the proposed programme budget for the biennium 2004-2005.

6. Draft resolution A/C.6/58/L.18 reiterates the mandate based on previous resolutions, that the Secretariat Departments responsible for section 2, General Assembly affairs and conference services; section 3, Political affairs; section 4, Disarmament; section 5, Peacekeeping operations; section 9, Economic and social affairs; section 24, Human rights; section 29B, Office of Programme Planning, Budget and Accounts; and section 29C, Office of Human Resources Management, would also be responsible for preparing *Repertory* studies on individual articles of the Charter of the United Nations.

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[1] *Official Records of the General Assembly Fifty-seventh Session, Supplement No. 6* (A/57/6/Rev.1) and corrigendum (A/57/6/Rev.1/Corr.1).

[2] A/58/6 (sect. 8) and A/58/6 (sect. 2).

7. With reference to section 8, Legal affairs, the activities to be implemented would include the following:

(a) Preparation of *Repertory* studies on individual articles of the Charter of the United Nations;

(b) Coordination of efforts to produce *Repertory* studies and improve working methods.

D. Modifications required in the programme of work for 2004-2005

8. In order to reflect the provisions of draft resolution A/C.6/58/L.18, the narrative of the proposed programme budget for the biennium 2004-2005 for all the relevant sections would need to be modified so as to amend the outputs already foreseen in respect of each section. Subject to the decision of the General Assembly at its fifty-eighth session, the narrative will be incorporated into the final version of the proposed programme budget for the biennium 2004-2005.

Outputs

Section 2: General Assembly affairs and conference services
Paragraph 2.33 (b)

Under subprogramme 1, General Assembly and Economic and Social Council affairs, under "other substantive outputs" insert the following:

(ii) Non-recurrent publications: relevant sections of the *Repertory of Practice of United Nations Organs*

Subsequent activities would require renumbering.

Section 3: Political affairs
Paragraph 3.41 (b)

For subprogramme 3, Security Council affairs, under "other substantive activities (regular budget and extrabudgetary)" replace item (i) with the following:

(i) Recurrent publications: the twelfth Supplement to the *Repertoire of the Practice of the Security Council (1993-1995)* and relevant sections of the *Repertory of Practice of United Nations Organs*.

Section 4: Disarmament
Paragraph 4.38 (b)

Subprogramme 4: Monitoring, database and information under "other substantive activities (regular budget)" add the following to the end of item (i):

"relevant sections of the *Repertory of Practice of United Nations Organs*"

Section 8: Legal affairs
Paragraph 8.39 (b)

Under subprogramme 3, Progressive development and codification of international law, under "other substantive activities (RB): Recurrent publications" add the following to the end of item (i):

"relevant sections of the *Repertory of Practice of United Nations Organs*"

E. Potential for absorption

9. The conference-servicing requirements, at full cost, for the nine-day session in March and April 2004 are estimated at $275,714. The Meetings Control Section has already programmed this meeting in the calendar of conferences and meetings for the biennium 2004-2005; hence, no additional appropriation would be required.

F. Indicatien of additional requirements

10. As regards the requirements in respect of the *Repertory of Practice* contained in operative paragraphs 7 and 8 of draft resolution A/C.6/58/L.18, an additional amount for each of the sections of the proposed programme budget, as set out in the table below, would be required.

Additional resource requirements by section for the proposed programme budget for the biennium 2004-2005 in respect of the *Repertory of Practice of the United Nations Organs* arising from draft resolution A/C.6/58/L.18

Section	*Department/Office*	*2004-2005 estimates[a] (thousands of United States dollars)*
2	Department of General Assembly and Conference Management	590.1
3	Department of Political Affairs	178.3
4	Department of Disarmament Affairs	30.0
5	Department of Peacekeeping Operations	383.3
8	Office of Legal Affairs	82.5
9	Department of Economic and Social Affairs	560.9
24	Office of the United Nations High Commissioner for Human Rights	410.9
29B	Office of Programme Planning, Budget and Accounts	55.5
29C	Office of Human Resources Management	66.1
Total		**2 357.6**

[a] Estimates are at 2004-2005 rates.

11. **Accordingly, should the General Assembly adopt draft resolution A/C.6/58/L.18, additional requirements in the amount of $2,357,600 (at 2004-2005 rates) would arise in respect of the programme budget for the biennium 2004-2005.**

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Fifty-eighth session
Sixth Committee
Agenda item 157
Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Czech Republic, Denmark, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Madagascar, Malta, Monaco, Nauru, Netherlands, Norway, Papua New Guinea, Portugal, Republic of Korea, Romania, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Recalling its resolution 57/28 of 19 November 2002 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, as well as the adoption by the Security Council of resolution 1502 (2003) on 26 August 2003,

Recalling also its resolution 57/338 of 15 September 2003, in which it strongly condemned the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission in Iraq in Baghdad on 19 August 2003,

Recalling further its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

Recalling the letter dated 24 October 2000 addressed to the President of the Security Council on behalf of the global staff of the United Nations system,[1] drawing attention to the safety and security problems faced by United Nations and associated personnel,

Recalling the report of the Secretary-General[2] on the scope of legal protection under the Convention on the Safety of United Nations and Associate Personnel and

[1] S/2000/1133, annex.
[2] A/55/637.

the recommendations contained therein, and also recalling the further report of the Secretary-General[3] on this issue,

Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law, as well as relevant provisions of human rights and refugee law,

Reaffirming also the obligation of all humanitarian personnel and United Nations and associated personnel to respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations,

Deeply concerned by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

Expressing concern that locally recruited personnel are particularly vulnerable to attacks directed at the United Nations,

Deeply concerned that perpetrators of attacks against United Nations and associated personnel seemingly operate with impunity,

Welcoming the recent increase in the number of States which have become parties to the Convention, which entered into force on 15 January 1999, and noting that the Convention has been ratified or acceded to by sixty-nine States as at the date of the present resolution,

Mindful of the need to promote universality of the Convention,

Having considered the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel,[4] established pursuant to resolution 56/89, and the report of the Working Group of the Sixth Committee,[5]

1. *Expresses its appreciation* for the work done by the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;

2. *Urges* States to take all necessary measures, in accordance with their international obligations, to prevent crimes against United Nations and associated personnel from occurring;

3. *Also urges* States to ensure that crimes against United Nations and associated personnel do not go unpunished and that the perpetrators of such crimes are brought to justice;

4. *Affirms* the obligation of all States to comply fully with their obligations under the relevant rules and principles of international law in relation to the safety and security of United Nations and associated personnel;

5. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;

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[3] A/58/187.

[4] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 52* (A/58/52).

[5] A/C.6/58/L.16.

6. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention, including those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

7. *Recommends also* that, consistent with his existing authority, the Secretary-General advise the Security Council or the General Assembly, as appropriate, where in his assessment circumstances would support a declaration of exceptional risk for the purposes of article 1(c)(ii) of the Convention;

8. *Confirms* that, consistent with his existing authority, the Secretary-General, who has knowledge of the facts and easy access to the information, may provide information, upon the request of a State, on matters of fact relevant to the application of the Convention, such as the fact and content of any declaration of exceptional risk by the Security Council or the General Assembly or any agreement concluded between the United Nations and a humanitarian non-governmental organization or agency;

9. *Notes* that the Secretary-General has prepared a standardized provision for incorporation into the agreements concluded between the United Nations and humanitarian non-governmental organizations or agencies for the purposes of clarifying the application of the Convention to persons deployed by those organizations or agencies, and requests the Secretary-General to make available to Member States the names of organizations or agencies that have concluded such agreements;

10. *Urges* the Secretary-General and other relevant bodies to continue to take such other practical measures as are within their authority and existing institutional mandates to strengthen protection for United Nations and associated personnel, including locally recruited personnel, who are particularly vulnerable and account for the majority of casualties among United Nations or associated personnel;

11. *Decides* that the Ad Hoc Committee established under resolution 56/89 shall reconvene for one week from 12 to 16 April 2004, with a mandate to expand the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, including, inter alia, by means of legal instrument, and that the work shall continue during the fifty-ninth session of the General Assembly within the framework of a working group of the Sixth Committee;

12. *Requests* the Ad Hoc Committee to submit a report on its work to the General Assembly at the fifty-ninth session;

13. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the measures taken to implement the present resolution;

14. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel".

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Fifty-eighth session
Sixth Committee
Agenda item 153
Report of the Committee on Relations with the Host Country

Bulgaria, Canada, Costa Rica, Cyprus, and Côte d'Ivoire: draft resolution

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recalling further its resolution 43/172 of 9 December 1988, in which it stressed the importance of a positive perception of the work of the United Nations, and urged that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 52 of its report;[1]

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 26* (A/58/26).
[2] Resolution 22 A (I).
[3] See resolution 169 (II).

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2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, and requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions;

3. *Welcomes* the decision of the Committee to conduct a detailed review of the implementation of the Parking Programme for Diplomatic Vehicles[4], as recommended by the Legal Counsel in his opinion on 24 September 2002[5], with a view to addressing the problems experienced by some permanent missions during the first year of the Programme, and ensuring its proper implementation in a manner that is fair, non-discriminatory, effective and consistent with international law;

4. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

5. *Notes* that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, and requests the host country to consider removing such travel controls, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

6. *Notes also* that the Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,[3] inter alia, for the purpose of their attending official United Nations meetings;

7. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

9. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Report of the Committee on Relations with the Host Country".

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[4] A/AC.154/355, annex.

[5] A/AC.154/358, annex.

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Fifty-eighth session
Sixth Committee
Agenda item 148
Progressive development of the principles and norms of international law relating to the new international economic order

Draft decision

Progressive development of the principles and norms of international law relating to the new international economic order

The General Assembly, on the recommendation of the Sixth Committee, decides to take note of the consideration of the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order", and notes that this question could be considered in the future.

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Sixth Committee
Agenda item 152
Report of the International Law Commission on the work of its fifty-fifth session

Draft resolution

Report of the International Law Commission on the work of its fifty-fifth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-fifth session,[1]

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

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[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 10* (A/58/10).
[2] Resolution 2625 (XXV), annex.

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Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, as proposed at the fifty-eighth session of the General Assembly by the Austrian-Swedish initiative to revitalize the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

1. *Takes note with appreciation* of the report of the International Law Commission on the work of its fifty-fifth session,[1] and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly;

2. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report;

3. *Reiterates its invitation* to Governments, within the context of paragraph 2 above, to provide information to the International Law Commission regarding State practice on the topic "Unilateral acts of States";

4. *Invites* Governments, within the context of paragraph 2 above, to provide information to the International Law Commission regarding national legislations, bilateral and other agreements and arrangements with regard to the use and management of transboundary groundwaters, in particular those governing quality and quantity of such waters, relevant to the topic of currently entitled "Shared natural resources";

5. *Requests* the Secretary-General to invite States and international organizations to submit information concerning their practice relevant to the topic "Responsibility of international organizations", including cases in which States members of an international organization may be regarded as responsible for acts of the organization;

6. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity;

7. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions;

8. *Takes note* of paragraph 448 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 3 May to 4 June and from 5 July to 6 August 2004;

9. *Welcomes* the enhanced dialogue between the International Law Commission and the Sixth Committee at the fifty-eighth session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of

informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the fifty-ninth session of the General Assembly;

10. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere, as far as possible, to the structured work programme agreed to by the Sixth Committee, and to consider presenting concise and focused statements;

11. *Encourages* Member States to consider being represented at the level of legal advisers during the first week in which the report of the International Law Commission is discussed in the Sixth Committee to enable high-level discussions on issues of international law, and decides that the week shall henceforth be known as "International Law Week";

12. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

13. *Takes note* of paragraphs 449 to 455 of the report of the International Law Commission with regard to cooperation with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (*e*), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

14. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

15. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission;

16. *Approves* the conclusions reached by the International Law Commission in paragraphs 440 to 443 of its report regarding documentation of the Commission, and reaffirms its previous decisions concerning the summary records of the International Law Commission;[3]

17. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

18. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

[3] See resolution 32/151, para. 10, resolution 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the Assembly.

19. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-eighth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

20. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

21. *Recommends* that the debate on the report of the International Law Commission at the fifty-ninth session of the General Assembly commence on 1 November 2004.